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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,078	10/26/1999	KENICHI SAWADA	018656-104	2696

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/427,078

Applicant(s)

SAWADA ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-17 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-10, 17 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyodo U.S. Patent 6,219,463.

Referring to claim 6, the Hyodo reference discloses in Figures 1 and 6-9, an image pick-up device comprising: a sensor (CCD 26) which picks up an image through a lens (25) (See Col. 5, lines 31-35); a setting unit which sets chromatic aberration factors based on the image data picked from a predetermined (reference) pattern (the reference pattern 3 can be used to calculating MTF characteristic for setting a range of chromatic aberration factors, See Col. 11, lines 6-9 and 31-35); and a correction unit (Micro Processing Unit 17) which corrects image data picked up from an original image by using the chromatic aberration factors set by the setting unit (See Col. 10, lines 51-54 and Col. 11, lines 46-53).

Referring to claim 7, the Hyodo reference discloses wherein the predetermined pattern is formed on a chromatic aberration board (the reference pattern board 3) as shown in Figure 9.

Referring to claim 8, the Hyodo reference discloses wherein the chromatic aberration board (3) is fixed in an area near a document platen as shown in Figure 8 (See Col. 5, lines 25-31)

Referring to claim 9, the Hyodo reference discloses wherein the chromatic aberration is a ladder pattern (3b) (See Col. 11, lines 5-9).

Referring to claim 10, the Hyodo reference discloses wherein the chromatic aberration factors are set for each color component (the CCD 26 reads the original document images as color signals of three primary colors of R, G and B. In order to correct the chromatic aberration, the device should set the chromatic aberration factors calculated from the result of reading chromatic aberration board 3 for each color component inherently).

Referring to claim 17, the Hyodo reference discloses all subject matter as discussed with respected to same comment as with claim 6, and the reference also disclose a determining unit which determines a character amount (when the value of the Modulation Transfer Function characteristic is determined, the shading correction of the data read by the CCD 26 is executed, and the gain of the line sensor is adjusted to an appropriate value) of the image data picked up from the pattern image (a ladder pattern 3b, see Col. 11, lines 10-18).

Referring to claim 20, the Hyodo reference discloses all subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 21, the Hyodo reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 22, the Hyodo reference discloses all subject matter as discussed with respected to same comment as with claim 9.

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Referring to claim 23, the Hyodo reference discloses all subject matter as discussed with respect to same comment as with claim 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo U.S. Patent 6,219,463 in view of Dischert et al. U.S. Publication 2001/0030697 A1.

Referring to claims 11 and 15, the Hyodo reference discloses all subject matter as discussed in respected claim 6, except the reference does not explicitly states a memory which stores the calculated chromatic aberration factors.

The Dischert reference discloses in Figure 1, an image processing system for correcting the chromatic aberration, comprising: correction memory 116 for storing chromatic aberration coefficients (factors) (See page 2 [0020]). The Dischert reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system has a memory to store the calculated chromatic aberration factors, so that it can avoid recalculation and correct the chromatic aberration more efficiently in next time. For that reason, it would have been obvious to see the image pick-up device has a memory to stores the calculated chromatic aberration factors disclosed by Hyodo.

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Referring to claim 12, the Hyodo reference discloses al subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 13, the Hyodo reference discloses al subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 14, the Hyodo reference discloses al subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 16, the Hyodo reference discloses al subject matter as discussed with respected to same comment as with claim 10.

Allowable Subject Matter

5. Claims 18-19 are objected to as being dependent upon a rejected base claim 17, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Mihara et al. U.S. 6,088,059 discloses an electronic imaging apparatus capable of obtaining high image quality and suppresses chromatic aberration.
 - b. Farr U.S. 5,751,863 discloses a device can be electronic correction for chromatic aberration and geometric distortion in an image caused by the lens system.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231


Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye
July 8, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600